



MINUTES OF THE COMMON COUNCIL

TUESDAY, JULY 21, 2015, 7:00 P.M.

COUNCIL CHAMBERS

ROOM 203, CITY HALL

Roll call: Mayor James J. Schmitt, City Clerk Kris A. Teske, City Attorney James Mueller. Alderpersons: J. Wiezbiskie, Thomas DeWane, A. Nicholson, Tim DeWane, D. Nennig, J. Moore, R. Scannell, C. Wery, G. Zima, M. Steuer, B. Danzinger, T. Sladek. Excused: None.

Pledge of Allegiance.

Mayor Schmitt led the invocation.

Moved by Ald. Nicholson, seconded by Ald. Wiezbiskie to approve the minutes of the June 16, 2015, meeting. Motion carried.

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to approve the agenda.

Moved by Ald. Scannell, seconded by Ald. Wery to move the Protection & Welfare Committee Report before the Finance Report. Motion carried.

Moved by Ald. Moore, seconded by Ald. Scannell to adopt the agenda as amended. Motion carried.

REPORT BY THE MAYOR

The Mayor announced that Jim Lewis, the Acting Chief of Police, will start on July 30. Green Bay Metro Fire has been upgraded by the Insurance Service Office to a Class One Community which means Green Bay Metro Fire provides superior property fire protection.

PUBLIC HEARINGS

General Ordinance No. 13-15

An ordinance amending Section 13-902, Table 9-1 of the Code to permit an indoor recreational facility within the General Industrial (GI) District. (Item #27)

No one appeared.

Zoning Ordinance No. 4-15

An ordinance rezoning Parcel Number 21-486, located east of 1902 North Irwin Avenue, from General Industrial (GI) District to General Commercial (C1) District. (Item #28)

No one appeared.

Miscellaneous Ordinance No. 2-15

An ordinance adopting an amendment to the Smart Growth 2022 Comprehensive Plan of the City of Green Bay pertaining to property generally located in the 500 block of North Henry Street, Acme Street and Lawrence Street, south of University Avenue, from Low Density Housing, Medium/High Density Housing, Commercial and Light Industry to General Industry (Figure 22-5). (Item #29)

No one appeared.

Moved by Ald. Scannell, seconded by Ald. Wery to suspend the rules for the purpose of adopting the ordinances. Motion carried.

PETITIONS & COMMUNICATIONS

ECONOMIC DEVELOPMENT AUTHORITY

Request by Ald. Moore to discuss and review development option for Parcels 11-91 and 11-92, 418-420 N. Monroe, the former Body Shop.

Request by Ald. Moore for a report on how a Class 1 rating for the GBMFD can affect economic development, and how they plan on using this information in recruiting and retention efforts.

FINANCE COMMITTEE

Request by Ald. Zima, on behalf of Sister Pauline Quinn, to declare the property at 1230 Tenth Avenue, the Hermitage, as tax exempt.

IMPROVEMENT & SERVICE COMMITTEE

Request by Mitchell Hyde, owner of Jekyll & Hyde Bar, 226 S. Broadway, to place tables and chairs in front of his business in City right-of-way.

IMPROVEMENT & SERVICE COMMITTEE AND TRAFFIC COMMISSION

Request by Ald. Wery to allow overnight on-street parking on weekends except during snow emergencies in residential areas.

LAW DEPARTMENT

Request by Ald. Moore to draft a resolution recognizing and congratulating the Green Bay Metro Fire Department on their Class 1 rating by the Insurance Service Office.

PARK COMMITTEE

Request by Ald. Zima that the City grant an easement to Brown County to provide free access to Renard Island as previously requested by Brown County.

PERSONNEL COMMITTEE

Request by Ald. Moore to fund the compliance inspector position solely through the 2016 budget and return the 50% which is currently funded through CDBG, back to Block Grant Funding.

Request by Ald. Tim DeWane to review the new interim position of Chief Lewis to find out if this is subject to the newly double-dipping rules of the State Statute.

PLAN COMMISSION

Request by Ald. Tim DeWane to review the ordinance that notifies home owners within 200 feet of a rezoning of City/private property.

PROTECTION & WELFARE COMMITTEE

Appeal by Amy Pagenhopf to the denial of her Operator License application.

Appeal by Yanice Williamson to the denial of her Public Vehicle Operator License application.

Application for a Class "A" Liquor License by Dino Shell, LLC at 1828 S. Ashland Avenue. (currently has beer only)

Renewal application for a Class "B" Beverage and Class "C" Wine License by WM Enterprises, LLC at 1212 Marine Street.

REDEVELOPMENT AUTHORITY

Request by Ald. Moore to research a funding source and enter into negotiations for the purchase of Parcel 11-91, 420 N. Monroe Avenue.

TRAFFIC COMMISSION

Request by Ald. Tim DeWane to consider a 4-way stop at Irwin Avenue and Porlier Street.

Request by Ald. Tim DeWane to consider reinstating the parking on the 1100 block of Lawe Street.

Request by Ald. Tim DeWane to consider reinstating the street parking concern on Hartung Street from 300 feet to E. Mason Street.

Moved by Ald. Scannell, seconded by Ald. Nennig to refer the petitions and communications to the appropriate Committee or Commission. Motion carried.

REPORTS FOR COUNCIL ACTION

REPORT OF THE PARK COMMITTEE July 21, 2015

The Park Committee, having met on Wednesday, July 15, 2015, considered all matters on its agenda and wishes to report and recommend the following:

1. To approve the request by an Eagle Scout to install a culvert crossing in Ted Fritsch Park contingent upon the following:
 - The first \$500 spent on materials will be the responsibility of the Fritsch Park Neighborhood Association. If costs exceed that amount, the Eagle Scout will be responsible for securing those additional funds;
 - All participants signing hold harmless agreements;
 - All materials meeting City building specifications;
 - Staff supervision of the project on the day of installation.
2. To approve to authorize staff to enter into an agreement with Bay Lakes Regional Planning Commission to use grant funding to control phragmites at Bay Beach Amusement Park contingent upon the following:
 - All costs are the responsibility of Bay Lakes Regional Planning Commission;
 - All proper permits and insurances being obtained.
3. To authorize staff to accept the donation of the bleachers by the East River Optimist Group to be installed at Optimist Park contingent upon the following:

- All costs of purchasing the bleachers and materials are the responsibility of the East River Optimist Group;
 - All materials and supplies meeting City building codes;
 - All proper permits and insurances being obtained;
 - Once installed, it becomes City property.
4. To approve the request by the Starlite Neighborhood Association to install landscaping along the East River Trail near the corner of East Mason and Hartung Streets contingent upon the following:
- All proper insurances and permits being obtained;
 - All costs are the responsibility of the Starlite Neighborhood Association;
 - Once installed, it becomes City property.
5. To approve the request by Humana and the Green Bay Packers to install a playground at Kennedy Park contingent upon the following:
- All proper permits and insurances being obtained;
 - Hold harmless agreements being signed by all participants;
 - Humana and the Green Bay Packers being responsible for all costs associated with their donated playground structure and woodchips for their structure;
 - Once installed, it becomes City property.
6. To approve the request by the Ladies of Lambeau to install a playground at Fireman's Park contingent upon the following:
- All proper permits and insurances being obtained;
 - Hold harmless agreements being signed by all participants;
 - The Ladies of Lambeau are responsible for the cost of the playground equipment and event;
 - Once installed, it becomes City property.
7. To approve the request by Mary Kay Directors and Consultants to host a 3.1-mile run and event on September 26, 2015, at Wilder Park contingent upon the following:
- All proper permits and insurances being obtained;
 - All costs of the event are the responsibility of Mary Kay Directors and Consultants;
 - Final approval by the Special Event Committee.
8. To approve the request by Casa Alba Melanie to host an event on Sunday, August 23, 2015, at Jackson Square Park contingent upon the following:
- All proper permits and insurances being obtained;

- Final approval of the event by the Special Event Committee;
 - All costs of the event are the responsibility of Casa Alba Melanie.
9. A. To receive and place on file the report of the purchase of a used 2006 Lull 644E-42 Telehandler from Dawes Rigging for \$36,000.
 - B. To approve the purchase of 52 Luminaires for the Fox River Trail from Cisco Distributing for \$19,822.
 10. To receive and place on file the Director's Report.

Moved by Ald. Thomas DeWane, seconded by Ald. Nennig to adopt the report. Motion carried.

Report of the Green Bay Plan Commission July 21, 2015

The Green Bay Plan Commission, having met on Monday, July 13, 2015, considered all matters on its agenda and wishes to report and recommend the following:

1. To receive and place on file the request from Ald. Chris Wery, on behalf of residents, to consider naming or renaming a street after Green Bay Packer General Manager, Ron Wolf.
2. To rezone the following parcels from Low Density Residential (R1) to General Commercial (C1): 1579 East Mason Street, 1583 East Mason Street, 508 Bellevue Street, 502 Bellevue Street, 1586 Kimball Street and 1580 Kimball Street. In addition, to approve a request to create a Planned Unit Development (PUD) overlay for the parcels above and the property located at 1593 East Mason Street to permit the construction of a Grand Central Station Convenience Store and two attached restaurants, subject to:
 - a. The parcels being combined into one tax parcel.
 - b. The draft Planned Unit Development (PUD) language.
 - c. Modifications to landscaping and lighting to minimize impact on surrounding properties.
 - d. The PUD language and site plan shall address:
 1. Extended buffer landscaping along the southwest corner of the site as well as along Kimball and Bellevue Street.
 2. Increase landscaping that faces or borders neighbors.
 3. Minimize impact of smells, noise, and hours of operations related to the two proposed restaurants.
 4. A neighborhood consultation/meeting with neighbors to address revisions/additions with the PUD language and site plan.

3. To rezone 1015 Lombardi Avenue, Hilton Garden Inn-Green Bay, from General Industrial (GI) to General Commercial (C1) and for a Conditional Use Permit (CUP) for the hotel to exceed the maximum height limitations and hotel use.
4. To amend Chapter 13-2011, Table 20-3, to permit wall signage that does not have “street frontage” within the Industrial Districts.
5. To vacate a portion of alley between 139 South Monroe (Leonardo DaVinci School) and 133 South Monroe, subject to the following condition:
 - a. The petitioner shall reserve a utility easement within the easterly six (6) ft. of the alley for the Wisconsin Public Service’s facilities present.

Moved by Ald. Thomas DeWane, seconded by Ald. Wiezbiskie to adopt the report.
Motion carried.

REPORT OF THE GREEN BAY REDEVELOPMENT AUTHORITY

July 21, 2015

The Green Bay Redevelopment Authority, having met on Tuesday, July 14, 2015, considered all matters on its agenda and wishes to report and recommend the following:

1. To approve the Neighborhood Enhancement Fund 2015 Proposal and streamlined process.

Moved by Ald. Wiezbiskie, seconded by Ald. Moore to adopt the report. Motion carried.

REPORT OF THE

TRAFFIC COMMISSION

July 21, 2015

The Traffic Commission having met Monday, June 15, 2015, considered all matters on its agenda and wishes to report and recommends the following:

1. To establish a RIGHT LANE MUST TURN RIGHT EXCEPT BUSES condition on southbound South Ashland Avenue at Third Street.
2. To establish a RIGHT LANE MUST TURN RIGHT EXCEPT BUSES condition on southbound South Jefferson Street at Crooks Street.
3. To postpone to the July 20, 2015 Traffic Commission meeting, the request to discuss, with possible action, to address handicapped parking issues and other parking issues, particularly near The Flats area, with all of the construction taking place in the downtown area. Also referred to Improvement & Service Committee.

4. To postpone to the July 20, 2015 Traffic Commission meeting, the request to discuss, with possible action, to remove the 2-HOUR 7 AM TO 4 PM SCHOOL DAYS zone on both sides of Newberry Avenue from Riemer Street to Huth Street.

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to adopt the report. Motion carried.

REPORT OF THE FINANCE COMMITTEE JULY 21, 2015

The Finance Committee having met on Wednesday, July 15, 2015, considered all matters on its agenda and wishes to report and recommend the following:

1. To approve request by the City Assessor to cancel certain personal property taxes.
2. To approve request by Ald. Dave Nennig and the recommendation from the Mayor's Beautification Committee for a one-time donation of \$10,000 to the LaBaye.org project. Funding would come from contingency funds.
3. To direct staff to draft a resolution to be sent to the State legislation requesting that if funds are returned to Brown County communities from the Lambeau field sales tax, that no restrictions be placed on those funds at the State level, allowing local governments to determine the best use of those funds based their community's needs and priorities.
4. To hold until next meeting the request by Ald. Chris Wery that all monthly Green Bay Neighborhood Leadership Council's meetings have an audio recording of the proceedings for full transparency and a resource for those unable to attend.
5. To approve and/or receive and place on file the report of the Purchasing Manager as follows:
 - a. To approve request to award a 5-year contract for Ambulance Billing Services to Intermedix for \$477,400 (\$95,480/yr.) with five 1-year renewal options by mutual consent.
 - b. To approve request to purchase 2 Ambulance Cots from Stryker for \$34,848.
 - c. To receive and place on file the report of the purchase of 4 Used Mini Vans from Broadway Automotive and Ewald Motors for a total of \$81,067.
 - d. To receive and place on file the report of the 2015 purchases of 15 vehicles off of the State of Wisconsin Vendornet contract, totaling \$372,249.

- e. To approve request to purchase of 2016 budgeted cars and light trucks through the State of Wisconsin Vendornet contract.
 - f. To approve request to purchase 2 additional 2015 Dodge Charger Squad Cars from Chrysler World Inc. for \$52,760 as a piggyback to the February 2015 award.
6. To approve, as recommended by the City Attorney, the report of the Claims Committee.

2015 Contingency Fund
\$102,220

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to adopt the report with the exception of Item #2. Motion carried.

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to adopt Item #2.

Moved by Ald. Tim DeWane, seconded by Ald. Wery to suspend the rules to allow interested parties to speak. Motion carried.

The following people spoke in favor of the website:

Jim Sanderson, 417 Cambridge Street

Lynn Austin, 1449 Morrow Street

Bill Meindl, 125 W. Mission Road

Moved by Ald. Thomas DeWane, seconded by Ald. Scannell to return to the regular order of business. Motion carried.

Moved by Ald. Tim DeWane, seconded by Ald. Wiezbiskie to amend Item #2 by reducing the amount to \$5,000.

Roll call: Ayes: Wiezbiskie, Nicholson, Tim DeWane, Moore. Noes: Thomas DeWane, Nennig, Scannell, Wery, Zima, Steuer, Danzinger, Sladek. Motion failed.

A vote was then taken on the motion to adopt Item #2.

Roll call: Ayes: Thomas DeWane, Nicholson, Nennig, Scannell, Wery, Zima, Steuer, Danzinger, Sladek. Noes: Wiezbiskie, Tim DeWane, Moore. Motion carried.

REPORT OF THE IMPROVEMENT AND SERVICE COMMITTEE July 21, 2015

The Improvement and Service Committee, having met on July 15, 2015 considered all matters on its agenda and wishes to report and recommend the following:

1. To approve the request by Cliff M. Wall, owner of Cliff Wall Automotive, LLC for a refund of overpaid storm water charges from 2013 to present, in the amount of \$533.55 at 710 Diane Street.
2. To approve the request by Maria Smith for an exemption to §16.11(b)2, Green Bay Municipal Code, requiring the mandatory connection of sump pump discharge to City's storm sewer system at 2782 Oakwood Drive.

3. To receive and place on file the request by Marek and Anna Milanowski to rescind the special waste collection charge of \$70.00 at 1820 August Street.
4. To refer to staff the request by Ald. Zima, on behalf of the residents of Green Bay, that the Public Works Department make a comprehensive study of the storm water sewer system in Green Bay and further that the department provide for council consideration an estimate of the cost of updating our sewer system to resolve the ongoing water problems that continue to plague numerous neighborhoods. Also referred to Advisory Committee.
5. To receive and place on file the request by Ald. Wiezbiskie to review, with possible changes, the policy in our Department of Public Works with reference to outsourcing back logged engineering projects.
6. To receive and place on file the request by Ald. Tim DeWane to have staff provide an update on filling engineering staffing levels.
7. To approve the request by Department of Public Works to award contract for engineering staff augmentation services to Patrick Engineering Inc.
8. To receive and place on file the report on the effectiveness of the Department of Public Works bulk waste drop-off program.
9. To approve the request by the Department of Public Works for approval of Compliance Maintenance Annual Report (CMAR) and resolution for WDNR sanitary sewer collection permit and authorizing the Director to forward the report and resolution to the WDNR.
10. To approve the report of the Purchasing Manager:
 - A. To approve to award a 2-year fuel contract to Hartland Fuels for approximately \$3,987,794 (\$1,993,897/yr.) based upon the estimated annual fuel consumption, with options for two (2) 1-year renewals.
 - B. To approve to purchase a trailer mounted pressure washer from Hydroclean Equipment for \$19,695.
 - C. To approve to purchase electrical and traffic signal equipment from various vendors for a total of \$146,516.
 - D. To approve to purchase an electric tub grinder from Morbark for \$623,700.
 - E. To approve to award a 5-year elevator maintenance contract to Kone for \$132,100 (\$26,420/yr.), with options for two (2) 1-year renewals.
11. To approve the award of the following contracts to the low, responsive bidders:

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- A. To approve to award contract PAVEMENT 1-15 to the low, responsive bidder, Peters Concrete, in the amount of \$259,162.95.
 - B. To receive and place on file the bid results for contract PAVEMENT 2-15 to the low, responsive bidder, Vinton Construction, in the amount of \$273,713.25.
 - C. To approve to award contract SEWERS 4-15 to the low, responsive bidder, Kruczek Construction Inc., in the amount of \$235,000.00.
 - D. To approve to award contract SEWERS 5-15 to the low, responsive bidders:
 - Part A to PTS Contractors, Inc. in the amount of \$364,749.00
 - Part B to Insituform Tech USA, Inc. in the amount of \$138,187.00
12. To approve the request by Brown County Department of Public Works for a Temporary Limited Easement along City owned property (Parcels 21-372, 21-384 and 21-362-1) for the 2016 reconstruction of Humboldt Road (CTH N).
13. To approve the following Permanent Limited Easement (PLE) and Temporary Limited Easement (TLE):
- SEWER EASEMENT FROM FRANZ AVENUE TO BAIRDS CREEK
- | | | |
|---------------------------|----------|-----------------|
| Spencer J. Kilps | \$250.00 | P.L.E. & T.L.E. |
| Parcel Number 1 (21-1950) | | |
14. To approve the applications for Concrete Sidewalk Builder's Licenses by the following:
- A. Andersen Basement Repair, Inc.
 - B. Concrete Finishers
15. To hold the applications for Tree & Brush Trimmer Licenses and authorize Department of Public Works staff to grant the license based upon acceptable reference checks for the following:
- A. Nelson Tree Service, Inc.
 - B. Timber Edge Tree and Shrub Care
16. To approve the application for an Underground Sprinkler System license by Irrigation Doctors.

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to adopt the report with the exception of Item #11B. Motion carried.

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to adopt Item #11B. Motion carried.

REPORT OF THE PERSONNEL COMMITTEE

July 21, 2015

The Personnel Committee, having met on Wednesday, July 15, 2015 considered all matters on its agenda and reports and recommends the following:

1. To approve the requests to fill the following replacement positions and all subsequent vacancies resulting from internal transfers.
 - a) Truck Driver – Public Works
 - b) Mechanic Lead worker – Public Works
 - c) Building Custodian – Police
 - d) Park Maintenance Worker – Parks, Recreation & Forestry
 - e) Assistant City Attorney I/Community Prosecutor – Law
 - f) Clerk III (Front Desk) – Police
2. To approve the request to award a contract to Orthopedic & Spine Therapy not to exceed \$20,000 to work with the City of Green Bay on injury prevention for police and fire utilizing a physical therapist. Funding to come from a \$10,000 CVMIC grant and \$10,000 from the worker compensation budget.
3. To hold until the next meeting the request to consider contracting with Carlson Dettman Consulting to conduct a classification and compensation study of all regular positions in the City, except for protective service positions and engineering positions previously studied.
4. To hold until the next meeting the request to reclassify the Police Chief position from pay grade 43 (\$85,802 - \$106,718) to pay grade 44 (\$90,167 - \$112,171) effective upon appointment of the new Police Chief on a 3-1 vote with Ald. Tom DeWane voting no.
5. To approve the recommendation to revise the classification structure for the Department of Public Works Labor Association (DPWLA).
6. To approve out of state travel for DPW Communications & Electronics Tech Randy Frailing to attend the National Public Safety Telecommunications Council Regional Planning Workshop in Washington, D.C. on August 18, 2015.
7. To approve the request by Ald. Tom DeWane to add a limited term Neighborhood Specialist for one year for up to 28-hours per week.
8. To refer to the Finance Committee for review of the finances the report and recommendation on a program for a Gang Task Force along with the resources necessary for that plan with possible action.
9. To receive and place on file the quarterly report on the number of speeding citations issued by the Green Bay Police Department.

10. To receive and place on file the review of all calls for service in the last 24-months where lieutenants in the Police Department were the primary responder.
11. To approve the collective bargaining agreement with the Fire Union for a 3 year term (January 1, 2015 through December 31, 2017) for a general wage increase of 2% effective July 1, 2015, 2% effective July 1, 2016, and 2% effective July 1, 2017.
12. To receive and place on file the report of Routine Personnel Actions for regular employees.

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to adopt the report with the exception of Item #4.

Moved by Ald. Wiezbiskie, seconded by Ald. Moor to adopt Item #4.

Moved by Ald. Thomas DeWane, seconded by Ald. Scannell to amend Item #4 by approving the request.

Roll call: Ayes: Thomas DeWane, Tim DeWane, Nennig, Moore, Scannell, Wery, Steuer, Danzinger. Noes: Wiezbiskie, Nicholson, Zima, Sladek. Motion carried.

Moved by Ald. Thomas DeWane, seconded by Ald. Scannell to adopt Item #4 as amended.

Roll call: Ayes: Wiezbiskie, Thomas DeWane, Tim DeWane, Nennig, Moore, Scannell, Wery, Steuer, Danzinger, Sladek. Noes: Nicholson, Zima. Motion carried.

PROTECTION & WELFARE COMMITTEE REPORT

July 21, 2015

The Protection & Welfare Committee, having met on Tuesday, July 14, 2015, considered all matters on the agenda and wishes to report and recommend the following:

1. To approve the applications for Class "A" Beverage License by Shopko Stores Operating Co., LLC at 216 S. Military Avenue and 2430 E. Mason Street with the approval of the proper authorities.
2. To approve the application for a Class "B" Beverage License by Von Stiehl Winery at 345 S. Adams Street with the approval of the proper authorities (currently has liquor license).
3. To approve the application for a "Class B" Combination License by Knutson Ventures, LLC at 1583 Main Street with the approval of the proper authorities (currently Imart Pub and Grill).
4. To approve the application for a "Class B" Combination License by Vintage WMW LLC at 119 S. Washington Avenue with the approval of the proper authorities (currently Caffè Espresso).

5. To approve the renewal application for a “Class B” Combination License by Kathleen Broder at 1332 S. Broadway with the approval of the proper authorities. (referred back from the June 16, 2015 Common Council meeting)
6. To approve the request by Walgreens for approval of appointed successor agent at 1401 E. Mason Street.
7. To approve the request by the owners of Party Line Tavern LLC to hold an outdoor event at 601 Bellevue Street on August 15. The approval of the request is subject to complaint.
8. To approve the request by the owners of Hinterland Brewery, 313 Dousman Street, to hold an outdoor event on August 29 with live music until 11:00 P.M. The approval of the request is subject to complaint.
9. To move to Council without recommendation the request by the owner of Cool Hand Lukes, 1238 State Street, to hold an outdoor event on July 25.
10. To approve the request by the owners of Richard Craniums to extend their liquor license to include the outdoor area at 840 S. Broadway with the approval of the proper authorities.
11. To deny the appeal by Manfred McGee to the denial of his Public Vehicle Operator License.
12. To deny the appeal by Deunagelo George to the denial of his Operator License application.
13. To approve the appeal by Taylor Hegge to the denial of his Operator License application.
14. To hold the request by Ald. Steuer, considering the Tavern League has spent much money nationally to ensure patrons have a safe ride home, that a placard/sticker be placed in the interior of said patron’s vehicle so that tickets or other repercussive measures do not occur.
15. To approve as amended the proposed ordinance relating to Mobile Food Establishments (food trucks) (referred back from the June 16, 2015 Common Council meeting)
16. To approve the request by Staff the amended proposed ordinance 27.304(10) relating to prohibiting Drones at Public Events (postponed from the June 10, 2015 meeting).
17. To approve the request by Law Department to repeal Green Bay Municipal Ordinance 23.36 Keeping of Register.

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to adopt the report with the exception of Items #3, #9, #12 and #16. Motion carried.

Moved by Ald. Wiezbiskie, seconded by Ald. Moore to adopt Item #3.

Moved by Ald. Nennig, seconded by Ald. Moore to refer Item #3 back to the Protection & Welfare Committee. Motion carried.

Moved by Ald. Wiezbiskie, seconded by Ald. Steuer to adopt Item #9.

Moved by Ald. Moore, seconded by Ald. Wery to suspend the rules to allow interested parties to speak. Motion carried.

Luke Adams, 1238 State Street, spoke regarding the outdoor event.

Moved by Ald. Moore, seconded by Ald. Thomas DeWane to return to the regular order of business. Motion carried.

Moved by Ald. Moore, seconded by Ald. Wiezbiskie to approve the request for an outdoor event. Motion carried.

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to adopt Item #12.

Moved by Ald. Thomas DeWane, seconded by Ald. Moore to suspend the rules to allow interested parties to speak. Motion carried.

Deunagelo George, 1371 Cormier Road, spoke about his appeal.

Moved by Ald. Wiezbiskie, seconded by Ald. Steuer to return to the regular order of business. Motion carried.

Moved by Ald. Wery, seconded by Ald. Thomas DeWane to approve the appeal.

Roll call: Ayes: Wiezbiskie, Thomas DeWane, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger, Sladek. Noes: Nicholson. Abstaining: Zima Motion carried.

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to adopt Item #16.

Moved by Ald. Zima, seconded by Ald. Moore to refer Item #16 back to Committee.

Moved by Ald. Tim DeWane to amend the proposed ordinance by deleting "authorized law enforcement agencies or"

Ald. Zima withdrew his motion to refer.

Ald. Nicholson seconded Ald. Tim DeWane's motion to amend.

Roll call: Ayes: Tim DeWane. Noes: Wiezbiskie, Thomas DeWane, Nicholson, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger, Sladek. Noes: None. Motion failed.

Moved by Ald. Zima to delete everything after "authorized law enforcement agencies".

Moved failed for lack of a second.

Moved by Ald. Thomas DeWane, seconded by Ald. Moore to substitute "Public Safety Agencies" for "law enforcement agencies". Motion carried.

Moved by Ald. Scannell, seconded by Ald. Thomas DeWane to adopt the proposed ordinance as amended.

Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

REPORT OF THE PROTECTION AND WELFARE COMMITTEE GRANTING OPERATOR LICENSES July 21, 2015

The Protection and Welfare Committee wishes to request that the following applications

for Operator Licenses be granted. Stipulations placed on licenses shall continue to be in effect.

OPERATOR LICENSES

Aerts, Vicky M
Allard, Brittany J
Anderson, Chad A
Annoye, Sandra J
Appleyard, Julie A
Atherton, Doris J
Aubry, Joan P
Bader, Michelle M
Baenen, Logan D
Bailey, Jason L
Bailey, Wayne P
Banger, Sikander L
Barthels, Douglas O
Basten, Anne M
Baye, Karen A
Beaupre, Leah Y
Behl, Katy A
Bell, Ashley M
Bellin, Jennifer M
Berthold-Hansen, Brett W
Berton, Cynthia
Bigari, Benjamin N
Bigari, Kristie L
Bilitz, Thomas R
Birkholz, Nicole M
Bleier, James H
Blohowiak, Kimberly L
Bonville, Jr., Patrick F
Borchers, Michael R
Borley, Kristine A
Boucher, Gail A

Boucher, Patrick A
Boyd, Ryan L
Boyea, Brian S
Boyer, Victoria A
Breakfield, Stephen C
Bressers, Christina A
Bridges, Alexis T
Brotski, Jason D
Browning, Audrey J
Burhite, Jason E
Bushman, Caitlin E
Butterfield, Kenny W
Butterfield-Boldig, Glenda
Camps, Nancy J
Cantwell, Patrick O
Carlson, Brian J
Carlson, Tina R
Chamberlain, Robert J
Chavarria, Mark E
Childers, Jacob S
Clark, Daniel J
Clayton, Angela J
Conoley, Nathan W
Conrad, Nicole C
Courtney, Patricia R
Crawford, Kolleen E
Crier, Lori L
Czukas, James M
Dantoin, McKayla J
Dashnier, Barbara J
Debban, Patti L

DeNell, Lisa J
Deterville, Kathy M
Diaz, Christina M
Dillinger, Robin M
Dimity, Lynda G
Dow, Marissa R
Drescher, Clint A
Drescher, Doreen L
Dubois, Madilyn A
Duquaine, Robert J
Edminster, Kristi M
Ehlers, Amanda K
Ehlert, Jocelyn A
Eickmeyer, Deborah A
Eilers, Jeff H
Elgersma, David B
Ellsworth, Christy L
Ely, Matthew C
Engels, Travis M
Enke, Amy M
Euclide, Brian J
Fogle, Nate D
Frambs, Kristen A
Freier, Penny J
Frisque, Karen M
Fritz, Molly R
Galvez, Donna R
Garcia, Michael
Gazella, Casey R
Gebhart, Karla C
Gerlach, David C

Gerrits, Autumn M
Gezella, Chad R
Godfrey, Steven J
Goede, Jason E
Gonion, Rebecca A
Govek, Michael J
Grabowsky, Jill M
Groeschel, Mark J
Groose, Vicki A
Grutza, Hannah C
Guyer, Vivian L
Hammer, Randall L
Hanson, Carl A
Harris, Heidi C
Harvey, Amanda L
Hauser, Robin A
Hebbe, Rebecca J
Hendricks, Earl R
Hendricks, Kim L
Hill, Ashley M
Hiott Jr, Allan K
Holleran, Ryan M
Hopkins, Ross T
Hoppe, Nicole L
Huguet, Pamela A
Hunt, Edward D
Ingersoll, Kerri L
Ireland, Leslie J
Iverson, Stephanie L
Jakubowski, Karen A
Janco, Alyssa V
Jarosz, Abigail J
John, Trisha M
Johnson Sr, Randall L
Johnson, Corey S
Johnston, Dan J
Jorgenson, Owen E
Julian, Tiffnee L
Kasal, Charles D

Kern, Elizabeth A
Kesler, Kathleen M
Khot, Shilpa K
Kinney, Molly S
Kinsella, Paul R
Kluck, Doug J
Kluth, Mary K
Knopf, James H
Koch, Twyla G
Koenig, Cheryl A
Kone, Marla W
Kong, Nhia V
Kostreva, Toni S
Krause, Janie L
Kuiawa, Dominic J
Kuske, James F
LaCount, Lauri A
Lambert, Sharon M
Lange, Nathan R
Larsen, Jennifer A
Larson, Irene A
Laundre, Mary C
LeCloux, Heather M
Lee, Amanda M
Lee, Wendy A
Leeman-Hartwell, Natoshia
Leiterman, Tammy M
Lentz, Cyndi C
Lentz-Webb, Daisy
Leonard, Ryan J
Leski, Carol J
Lester, Meagan N
Lewandowski, Dorothy M
Lewandowski, Ruth M
Lewins, Patrick L
Liggins, Lisa A
Lindsley, Julie A
Loberger, Wendy L
Loepfe, Terrance P

Lor, Katie M
Louwagie, Jennifer G
Lucassen, Lou L
Lutzen, Rebecca L
Maccoux, Michelle L
Mackey, Kristie L
Markham, Kenlyn T
Martell, Elizabeth A
Marx, Robert S
Matzke, Jenna L
Matzke, Kevin J
McMichael, Merisa K
Meeuwsen, Melanie R
Mellberg, Dustin M
Mocarski, Spencer T
Mueller, Sandra L
Muller, Gregory P
Murphy, Shannon R
Nelson, Rebecca I
Neuman, Allayssa M
North, Eric P
Nowaczyk, Carleen M
Nowak, William B
Odekirk, Jonathan D
O'Leary, Connie R
Olejniczak, Josh S
Orosco, Debra J
Ortega, Jose L
Pagel, Tierra M
Paronto, Amy L
Patton, Mallory A
Pauls, Jodie L
Paustenbach, Steven R
Peterman, Catherine R
Philbrick, Zechari J
Pier, Corine M
Pier, Cynthia A
Pinney, Geoffrey A
Polakowski, Steven L

Poole, Kelly J
Posey, Kristy M
Priebe, Dustin D
Rahmlow, Rachel A
Rasmussen, Caroline E
Rasmussen, Karen M
Reed, Richard S
Renier, Joette M
Reyment, Caroline E
Reynard, Janice L
Rosenau, Jason R
Ross, Grant E
Rouse, Amanda K
Rouse, Colin D
Rousseau Peterson, Nathan
Salinas, Sandra
Salkowski, Natalie S
Sandberg, Angela C
Sanders, Stephen A
Sann, Kenneth R
Santy, Kelly P
Schauer, Benjamin J
Schauer, Nathaniel J
Schmechel, Nathan H
Schmidt, Christopher P
Schmidt, Gerald R
Schroeder, David P
Schroeder, Dennis W
Schuh, Jacob B
Schultz, Mary L
Schultz, Rena A
Schwedrsky, Donald R
Sense, Ronald J
Sense, Sharee C
Siegmund, Julie A
Skarda, Maureen J
Skenandore, Chadene M
Solak, Sandra L
Sommer, Jordan S

Sommers, Kristy M
Spencer, Nancy C
Stary, Jayne E
Staudenmaier, Bradley L
Steel, Joseph T
Stepanek, Sharon J
Stillman, Kayla L
Suzawith, Wesley E
Tennie, John O
Terrien, Beverly A
Tindale, Andrea J
Tryon, Barb A
Valentine, Faye M
Valentine, Sierra R
Vallery Jr, Timothy P
Vallier, Kathleen A
Van Caster, Mary K
Van Denack, Elizabeth A
Van Groll, Jennifer M
VanBoxel, Laura J
Vanden Eng, Kim I
Vanermen, Debra J
VanRite, Paul L
Voelker, Lisa A
Waidelich, Michaela K
Webb, Eileen M
Webster, Candy L
Weisnicht, David R
Wenninger, Daniel L
Wesener, Eileen M
Westberg, Robert J
Westcott, Chiyo
Whittenton, Elizabeth
Wickersheim, Angela V
Wilcox, Heidi S
Wilhelm-Gerrits, Brittany L
Willison, Tina L
Wilson, Casey R
Wolf, Sarah M

Yonan, Susie
Young, Kevin J
Yurk, Trent E
Zastrow, Charmaine D
Zelle, Michelle A
Zelzer, Nathan J
Zernicke, Joel L

Moved by Ald. Wiezbiskie, seconded by Ald. Thomas DeWane to adopt the report.
Motion carried with Ald. Steuer abstaining on the approval of Jocelyn A. Ehler and Ald. Danzinger abstaining on the entire report.

RECEIVE & PLACE ON FILE

Building Permit Report for June, 2015.

Municipal Court Report for May, 2015.

Final Trial Balance for 2014.

Moved by Ald. Moore, seconded by Ald. Scannell to receive the matters and place them on file. Motion carried.

RESOLUTIONS

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to suspend the rules for the purpose of adopting all of the resolutions with one roll call vote. Motion carried.

RESOLUTION AUTHORIZING TRANSFER OF FUNDS July 21, 2015

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

Pursuant to the recommendation of the Finance Committee at its meeting of July 15, 2015, the following transfer of funds is hereby authorized:

	<u>ACCOUNT</u>	<u>AMOUNT</u>
From:	101099-59001 Contingency	\$10,000
To:	101099-59018 Donation Expense	\$10,000

Adopted July 21, 2015

Approved July 22, 2015

James J. Schmitt
Mayor

Kris A. Teske
Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to adopt the resolution.
Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Scannell, Wery, Zima, Steuer, Danzinger, Sladek. Noes: None. Motion carried with Ald. Moore abstaining.

FINAL PAYMENTS RESOLUTION

July 21, 2015

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

That the City Clerk be and is hereby instructed to draw FINAL ORDERS in favor of the following contractors for their projects in the amounts listed as follows:

1. RESURFACING 1-14 PART B

Northeast Asphalt, Inc.

TOTAL AMOUNT EARNED:

\$ 1,060,746.33

LESS AMOUNT RETAINED:

\$ 0.00

\$ 1,060,746.33

LESS AMOUNT PREVIOUSLY PAID:

\$ 1,022,207.46

AMOUNT DUE THIS ESTIMATE:

\$ 38,538.87

ACCOUNT NUMBERS

401500E-55303-61044: \$38,538.87

PO #105637

2. TRAFFIC SIGNAL REPAIR 2014

Ramco Construction Services, LLC.

TOTAL AMOUNT EARNED:

\$ 65,001.81

LESS AMOUNT RETAINED:

\$ 0.00

\$ 65,001.81

LESS AMOUNT PREVIOUSLY PAID:

\$ 63,187.10

AMOUNT DUE THIS ESTIMATE:

\$ 1,814.71

ACCOUNT NUMBERS

401500E-55141-64024: \$1,814.71

PO #105714

Adopted July 21, 2015

Approved July 22, 2015

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
City Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to adopt the resolution.
Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

**RESOLUTION APPROVING
PERMANENT LIMITED EASEMENT (PLE) AND
TEMPORARY LIMITED EASEMENT (TLE)
FROM FRANZ AVENUE TO
BAIRDS CREEK
July 21, 2015**

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

To approve the following Permanent Limited Easements (PLE) and Temporary Limited Easements (TLE):

SEWER EASEMENT FROM FRANZ AVENUE TO BAIRDS CREEK

Spencer J. Kilps	\$250.00	P.L.E. & T.L.E.
Parcel Number 1 (21-1950)		

Adopted July 21, 2015

Approved July 22, 2015

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
City Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to adopt the resolution.

Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

**RESOLUTION AUTHORIZING CANCELLATION
OF PERSONAL PROPERTY TAXES
July 21, 2015**

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

That, as per the recommendation of the Finance Committee at its meeting of July 15, 2015, the following personal property taxes shall be cancelled:

<u>Account</u>	<u>Amount</u>
16118 BJ's Jeans-N-More (Tax Year 2014)	88.10
20809 Amedisys Wisconsin LLC (Tax Year 2013)	524.80
20809 Amedisys Wisconsin LLC (Tax Year 2014)	414.40
11794 Hancock Fabrics (Tax Year 2014)	2,576.80
22276 DeWane, Timothy (Tax Year 2012)	231.20
22276 DeWane, Timothy (Tax Year 2013)	230.20

Adopted July 21, 2015

Approved July 22, 2015

James J. Schmitt
Mayor

Kris A. Teske
Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to adopt the resolution.

Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

**RESOLUTION APPROVING
TEMPORARY LIMITED EASEMENT
HUMBOLDT RD
July 21, 2015**

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

To approve the request by Brown County Department of Public Works for a Temporary Limited Easement along City owned property (Parcels 21-372, 21-384 and 21-362-1) for the 2016 reconstruction of Humboldt Road (CTH N).

Adopted July 21, 2015

Approved July 22, 2015

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
City Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to adopt the resolution.

Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

**RESOLUTION REGARDING PROPOSED
STATE LEGISLATION ON THE RETURN
OF EXCESS LAMBEAU FIELD SALE TAX
TO BROWN COUNTY COMMUNITIES
July 21, 2015**

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY:

WHEREAS, on November 1, 2000, a .5% sales tax was enacted in Brown County to pay off the bonds for the renovation of Lambeau Field and provide for a maintenance fund for the stadium; and

WHEREAS, it is expected that the collection of this .5% sale tax will end no later than September 30, 2015; and

WHEREAS, by the time the sales tax ends, there will be an excess of funds collected from the sales tax; and

WHEREAS, Rep. David Steffen has proposed to draft legislation to return these excess funds to the Brown County communities

NOW, THEREFORE, BE IT RESOLVED, that if excess sales tax funds are returned to Brown County communities, the City of Green Bay recommends that the State legislature place no restrictions on the return of these funds and allow the local governments to determine the best use of these funds based on each community's needs and priorities.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Wisconsin legislature.

Adopted July 21, 2015

Approved July 22, 2015

James J. Schmitt
Mayor

Kris A. Teske
Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to adopt the resolution.

Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

**RESOLUTION AUTHORIZING CONDITIONAL-USE
APPROVAL AT 1015 LOMBARDI AVENUE
(ZP 15-13)
July 21, 2015**

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY, RESOLVED:

That, pursuant to Zoning Petition 15-13 and the recommendation of the Plan Commission on July 13, 2015, the City of Green Bay does authorize a conditional-use permit to allow the Hilton Garden Inn-Green Bay to exceed the maximum height limitations and use as a hotel located on the following described property at 1015 Lombardi Avenue:

LOT 1 OF 37 CSM 99 BNG PRT OF LOT 9 MORRIS &
BROMLEYS SUBD OF S1/2 OF PC 13 WSFR (Parcel No. 1-1841-C-1)

Adopted July 21, 2015

Approved July 22, 2015

James J. Schmitt
Mayor

Kris A. Teske
Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to adopt the resolution.

Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

**RESOLUTION REGARDING VACATION OF
THE PORTION OF THE ALLEY BETWEEN
SOUTH MONROE AVENUE AND
SOUTH QUINCY STREET,
SOUTH OF EAST WALNUT STREET
(AV 15-01)
July 21, 2015**

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY:

WHEREAS, a request has been filed with the Common Council requesting vacation of the portion of the alley between South Monroe Avenue and South Quincy Street, south of East Walnut Street, as depicted on the attached map; and

WHEREAS, the public interest may require that the aforesaid alley be abandoned, vacated, and discontinued; and

WHEREAS, the Plan Commission of the City of Green Bay has given approval to such abandonment, vacation, and discontinuance subject to petitioner reserving a utility easement within the easterly six feet of the alley for Wisconsin Public Service's facilities.

NOW, THEREFORE, BE IT RESOLVED that it appears to be in the public interest that the portion of alley between South Monroe Avenue and South Quincy Street, south of East Walnut Street be abandoned, vacated, and discontinued by the City of Green Bay, subject to the above-referenced condition, and that a hearing be held on the abandonment, vacation, and discontinuance of the same on September 15, 2015, at 7:00 P.M. in the Council Chambers, City Hall, 100 North Jefferson Street, Green Bay, Wisconsin.

BE IT FURTHER RESOLVED that a notice of such hearing be served on the owners of the frontage of the lots and lands abutting on the portion of the unimproved alley sought to be abandoned, vacated, and discontinued at least 30 days before such hearing, and that notice of such hearing be published in the official newspaper of the City of Green Bay once a week for three successive weeks before the date of hearing.

BE IT FURTHER RESOLVED that the City Attorney, upon adoption of this resolution, cause a lis pendens to be prepared and filed with the Register of Deeds for Brown County, Wisconsin, pursuant to §840.11, Wis. Stats.

Adopted July 21, 2015

Approved July 22, 2015

James J. Schmitt
Mayor

Kris A. Teske
Clerk

**DESCRIPTION OF THE PORTION OF THE ALLEY BETWEEN
S. MONROE AVENUE AND QUINCY STREET,
SOUTH OF EAST WALNUT STREET TO BE VACATED
(AV 15-01)**

That part of the Alley lying westerly of Lot 848, and easterly of Lot 849; Plat of Navarino, City of Green Bay, Brown County, Wisconsin, described as follows:

Beginning at the southwest corner of said Lot 848, Plat of Navarino;

thence N26°-24'-46"E, 88.10 feet, along the west line of said Lot 848 to the northwest corner of the north 44 feet of the south 88 feet of said Lot 848;

thence N63°-41'-55"W, 12.00 feet, to the east line of said Lot 849, Plat of Navarino;

thence S26°-24'-46"W, 88.10 feet along said east line of said Lot 849, to the southeast corner of said Lot 849;
thence S63°-41'-54"E, 12.00 feet, to the point of beginning.

Parcels Affected

11-246, 11-235
& 11-236

Owners Name and Mailing Address

Green Bay Area Public School District
200 S Broadway
Green Bay, WI 54303

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to adopt the resolution.
Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

ORDINANCES - FIRST READING

GENERAL ORDINANCE NO. 12-15

**AN ORDINANCE
CREATING SECTION 6.39,
GREEN BAY MUNICIPAL CODE,
RELATING TO MOBILE FOOD ESTABLISHMENTS**

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 6.39, Mobile Food Establishments, Green Bay Municipal Code, is hereby created as follows:

6.39 MOBILE FOOD ESTABLISHMENTS.

(1) DEFINITIONS

- (a) "Mobile Food Establishment" means a restaurant or retail food establishment where food is served or sold from a movable vehicle, trailer or cart which periodically or continuously changes location and requires a service base to accommodate the unit for servicing, cleaning, inspection and maintenance or except as specified in the Wisconsin Food Code.
- (b) "Mobile" shall mean the state of being in active, but not necessarily continuous movement.

- (c) "Mobile Food Vendor" means the registered owner of a mobile food establishment or the owner's agent or employee, or any business which sells edible goods from a mobile food establishment within the City of Green Bay.
- (d) "Edible Goods" shall include but are not limited to:
 - 1. Prepackaged and prepared food including, but not limited to, ice cream, hot dogs, deserts, and pizza.
 - 2. On-site prepared food including, but not limited to, shaved ice, sandwiches, and tacos.
- (e) "Sell" shall mean the act of exchanging a good for profit or in return for a donation.
- (f) "Service Base" means an establishment operated under license or permit of an appropriate regulatory authority where food is manufactured, stored, prepared, portioned or packaged, or any combination of these, where such food is intended for consumption at another establishment or place, and where such units are serviced, cleaned, supplied, maintained, and where the equipment, utensils and facilities are serviced, cleaned and sanitized.
- (g) "Vehicle" shall mean any motor vehicle as defined by Wis. Stats. §340.01(35) or trailer as defined by Wis. Stats. §340.01(71). Vehicle shall also include any bicycle or other self-propelled device.
- (h) "Vend" shall mean to sell or to transfer the ownership of an article to another for a price in money.

(2) LICENSE REQUIRED

- (a) No mobile food vendor and/or mobile food establishment shall vend, sell or dispose of or offer to vend, sell or dispose of goods, wares or merchandise, produce or any other thing at any place whatsoever in the City of Green Bay, without having obtained an approved license from the City Clerk.
- (b) All mobile food establishments used for vending food shall be licensed for such use by the Brown County Health Department and all other applicable agencies. Mobile food establishments shall acquire the appropriate licenses and permits for any additional food items not required under this subchapter if deemed necessary by the Brown County Health Department.
- (c) LICENSE. Every mobile food vendor shall have a license issued by the City Clerk to conduct business in the City of Green Bay. Each mobile food establishment shall be licensed separately. A mobile food establishment license shall expire on June 30 each year.

- (d) LICENSE FEE. The license to operate a mobile food establishment shall be \$500.00. If an applicant requests a license under this subchapter from an existing City of Green Bay based business that sells food based products, the license fee shall be \$300.00.
- (e) LICENSE RENEWAL. Upon renewal of license, each applicant must provide a new application, a renewal fee of \$500.00, and any new permitting documentation upon the license renewal. License renewal from an existing City of Green Bay based businesses shall be \$300.00. If the applicant fails to submit the application and renewal fee within thirty (30) calendar days after the expiration of the license, the applicant shall reapply as a new applicant.
- (f) TRANSFER OF LICENSE. A license issued under this subchapter shall not be transferable from person to person. A license is valid for one vehicle only and shall not be transferrable between vehicles.
- (g) SURRENDER OF LICENSE; ALTERATION OF LICENSE; FAILURE TO DISPLAY LICENSE. On the expiration of a license issued under this subchapter, the license holder shall surrender the license to the City Clerk. No person shall alter or change in any manner any license issued under the provisions of this subchapter, and such alteration or the failure of the holder of the license to display the license in a conspicuous place on the mobile unit or his or her person or to exhibit the license upon demand of any officer or customer or prospective vendee shall be cause for revocation of such license.

(3) LICENSE APPLICATION PROCESS.

- (a) APPLICATION. Any person desiring to operate a mobile food establishment shall apply for a license on a form promulgated by the City Clerk and pay the proper license fee for each mobile food establishment managed by the person. The City Clerk shall forward the application to the police department for review. If the police department approves the application, the City Clerk shall issue the license to the applicant.
- (b) APPLICATION DENIAL. An applicant of a mobile food establishment may be denied where:
 - 1. The circumstances of a pending criminal charge against the applicant substantially relate to the licensed activity.
 - 2. The applicant has been convicted of any felony, misdemeanor or other offense, the circumstances of which substantially relate to the circumstances of the particular job or licensed activity.
 - 3. The applicant made a false statement on the application.
 - 4. The applicant is under eighteen (18) years old.

5. The applicant is found to have unpaid civil judgment(s) which relates to the duties and responsibilities of the permitted occupation which shall be determined by the nature and the amount of the judgment, the relationship of the judgment to the purpose of the permit and the extent that the permit would allow someone to engage in further activity that would lead to unsatisfied civil judgments.
- (c) APPEAL. If the police department denies an application for a license, the applicant may appeal within fifteen (15) days after the City Clerk mails a notice of denial to the applicant. If the applicant files a timely appeal with the Clerk, the Clerk shall schedule an appeal hearing before the Protection & Welfare Committee.
- (d) HEARING BEFORE COMMITTEE. The Committee may approve any application placed on its agenda only if the applicant is qualified under this section and may place conditions upon approval. The Common Council shall affirm, reverse or modify the Committee decision.
- (e) ISSUANCE. The Clerk shall issue the mobile food establishment license if the applicant has completed the application requirements and has been approved by the police department.
- (4) LICENSE SUSPENSION OR REVOCATION. The Common Council may revoke or suspend, no less than ten (10) and not more than ninety (90) days, any license under this subchapter for violation by any vendor or the vendor's employee or agent of any provision of this chapter or any State law or City ordinance which renders future vending contrary to the public health, safety or welfare, or for fraud or misrepresentation in solicitation under this chapter.
- (5) INSURANCE.
 - (a) LIABILITY INSURANCE. The license holder under this subchapter shall have in force liability insurance for each mobile food establishment.
 - (b) PROOF OF INSURANCE. As evidence of liability insurance, the licensee shall furnish a certificate of insurance, on a form acceptable to the City, evidencing the existence of adequate liability insurance naming the City of Green Bay, its employees and agents as additionally insured in an amount not less than one million dollars (\$1,000,000.00). Whenever such policy is cancelled, not renewed, or materially changed, the insurer and the licensee shall notify the City of Green Bay by certified mail.
- (6) SANITATION REQUIREMENTS.

- (a) Mobile food establishments shall comply with all regulations of the Wisconsin Food Code and the Brown County Health Department including, but not limited to, the time, temperature, plumbing, operation and maintenance for mobile food establishments.
- (b) Mobile food establishments shall comply with all regulations of the Wisconsin Food Code and Brown County Health Department regarding preparation facilities, serving areas and operation areas.
- (c) The licensees of the mobile food establishment or employee(s) thereof shall abide by the request of the Brown County Health Department for annual inspections of the establishment at a location designated by the Health Department.
- (d) Authorities of the Brown County Health Department may require that mobile food establishments found to violate sanitation and health requirements to have follow-up inspections to verify compliance.
- (e) Service Base Required.
 - 1. All mobile food establishments shall have a mobile service base to store and prepare food and all supplies. No food items are allowed to be stored or prepared in a private residence or garage unless approved by the Brown County Health Department.
 - 2. Any food item desired to be cooked or prepared on the mobile food establishment shall first be inspected by the Brown County Health Department.
 - 3. All mobile food units shall be cleaned and serviced as often as necessary from the service base.
 - 4. The service base shall be inspected and approved by the Brown County Health Department prior to operating the mobile food establishment.
 - 5. All mobile food establishments shall return to its service base at least once every twenty-four (24) hours for service and maintenance.

(7) CONDUCT OF BUSINESS.

- (a) REGULATIONS GENERALLY. The following regulations shall apply to mobile food establishments during the regular order of business:
 - 1. A licensee shall not falsely or fraudulently misrepresent the quantity, character or quality of any article offered for sale or offer for sale any unwholesome or tainted edible goods, nor intentionally misrepresent to

any prospective customer the purpose of his or her solicitation, the name of the business of his or her principal, if any, the source of supply of the goods, ware or merchandise which he or she sells or offers for sale or the disposition of the proceeds of his or her sales.

2. A licensee shall not use the license provided by the City after expiration or revocation of the license.
3. A licensee shall keep the premises in a clean and sanitary condition and the edible goods offered for sale well covered and protected from dirt, dust and insects. All food vendors shall comply with requirements of state and local authorities.
4. A licensee may vend, sell or dispose of, or offer to sell, vend, or dispose of goods, wares, or merchandise in the City of Green Bay between the hours of 6:00 a.m. and 9:00 p.m. All sales within the portion of the downtown district of Green Bay, as defined and displayed in Exhibit A under this subchapter, shall be allowed between the hours of 6:00 a.m. and 3:00 a.m.
5. No mobile food establishment shall conduct business at a stationary location for a duration exceeding four (4) hours per location per day.
6. All persons conducting business on a sidewalk or terrace must maintain within twenty-five (25) feet of their sales location, a clean, sanitary and hazard-free condition, and shall not discharge any material onto the street, sidewalk, gutters or storm drain. Each person conducting business on a sidewalk or terrace under the provisions of this chapter shall carry a minimum thirty (30) gallon container for placement of such litter by customers or other persons.
7. A vehicle or other on-street unit which is operated for the purpose of selling food from the unit shall be operated only by a person who has obtained a license or by the employee of the person who obtained a license under this subchapter.
8. No person may sell or vend any item upon any premise(s) if there is placed signage prohibiting the activity.
9. All business activity relating to the mobile food establishments in the public right-of-way shall be conducted from the curbside of the vehicle at all times. No sales shall be made from a vehicle except from the curbside of said vehicle, unless otherwise authorized by the owner of private property.

10. No food service shall be prepared, sold, or displayed outside of the mobile food establishment.
11. No person shall provide or allow any dining area to the mobile food establishment, including, but not limited to, tables and chairs, booths, stools, benches or stand up counters.
12. Signage may only be permitted when placed on the mobile food establishment. No separate free-standing signs are permitted.
13. Any special or civic event organizer desiring to hold five (5) or more mobile food establishments on the property where the event will be held shall notify the Brown County Health Department at least seven (7) business days prior to the event.

(b) VEHICLE REGULATIONS.

1. Any vehicle or other on-street units used for vending food in any public street must be designed and constructed specifically for the purpose of vending the product or products to be vended.
2. Amplified music or other sounds from any vehicle or unit used for the purpose of vending products in the public streets shall comply with Chapter 27, Subchapter II, Green Bay Municipal Code.
3. All mobile food establishments shall be entirely self-contained in regards to gas, water, electricity, and equipment(s) required for operation of the unit.
4. All mobile food vehicles must have valid license plates and registration as provided by Chapter 341, Wisconsin Statutes.
5. No vehicle or unit may violate any traffic or parking statute or ordinance when stopping to make sales. Meter bags will not be issued to license holders under this subchapter.
6. No flashing or blinking lights, or strobe lights are allowed on a mobile food establishment or related signage when the establishment is parked and engaged in serving customers. All lighting is subject to review by the City of Green Bay Traffic Engineer and shall be removed if deemed to be in conflict with safe travel.
7. All mobile food establishments shall comply with all Federal, State, and local regulations regarding vehicle size requirements.

(c) ZONING RESTRICTIONS.

1. The vendor of the mobile food establishment shall not operate in a congested area where such operation impedes or inconveniences public use. No vendor shall engage in the licensed business on any public park, playground, school, library or other public premises.
2. No mobile food establishment or pedestrian desiring to conduct business at the mobile food establishment shall obstruct an adjacent path or lane of travel. A path or lane of travel includes, but is not limited to sidewalks, motor vehicle lanes, bicycle lanes and other designated parking areas.
3. No more than two (2) mobile food establishments shall be allowed to conduct business on private property.
4. No mobile food vendor shall be located on any private property without written permission from the property owner. A copy of the written permission shall be kept in the mobile food unit at all times. The mobile food vendor shall comply if asked to leave the private property by the property owner or a city official.
5. No mobile food establishment shall conduct business within five hundred (500) feet of Bay Beach Amusement Park or any fair, festival, special event or civic event that is licensed or sanctioned by the City of Green Bay unless the licensee has obtained written permission from the event sponsor.
6. A mobile food establishment shall be located on a paved surface at all times unless it is part of a City sanctioned special event.
7. No person may conduct business on a sidewalk or curbside in any of the following places:
 - a. Within twenty (20) feet of the intersection of the sidewalk with any other sidewalk.
 - b. Within ten (10) feet of the extension of any building entrance or doorway to the curb line.
 - c. Within one hundred-fifty (150) feet of a public entrance of any business which is a licensed or permitted restaurant by the Brown County Health Department, during the hours the particular business is open for sale, unless written permission is granted by the business.
 - d. Within one hundred-fifty (150) feet of a City park where food concessions are sold, during the hours that concessions are being sold, unless written permission is granted by the Parks Department.

8. A mobile food establishment may be permitted in all zoning districts except within any residential zoning district. The subsection shall not apply to ice-cream trucks.

(d) EXEMPTIONS.

1. Upon application and approval from the Protection and Welfare Committee, the licensee may periodically and infrequently extend the hours of service of the mobile food establishment outside the designated zone displayed in Exhibit A from 6:00 a.m. to 3:00 a.m. for business purposes only. This exemption shall not be applicable in any residential zoning district.
2. Upon application and approval from the Protection and Welfare Committee, the owner of private property may allow more than two (2) mobile food establishments to conduct business on said property during the normal hours of operation.
3. For event purposes, a mobile food establishment may conduct business on publicly owned property after the approval from the Parks Department and the Department of Public Works or participates in a City sanctioned special event.

(8) PENALTIES. A licensee or vendor who violates any provision of this subchapter or any regulation, rule, or order made hereunder shall be subject to a forfeiture of not less than \$1 nor more than \$500.00 for each offense.

SECTION 2. All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this _____ day of _____, 2015.

APPROVED:

Mayor

ATTEST:

Clerk

Moved by Ald. Nennig, seconded by Ald. Moore to suspend the rules for the purpose of advancing the ordinance to the third reading.

Moved by Ald. Moore, seconded by Ald. Zima to advance the ordinance to the second reading. Motion carried.

GENERAL ORDINANCE NO. 14-15

AN ORDINANCE AMENDING SECTION 13-1705, GREEN BAY MUNICIPAL CODE, REGARDING REPLACEMENT OF EXISTING DRIVEWAYS FOR SINGLE AND TWO-FAMILY HOMES (TA 12-05)

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 13-1705(a), Green Bay Municipal Code, is amended as follows:

13-1705. Residential driveways. The following regulations apply to single- and two-family residential uses. (Amd. GO 22-07)

(a) (Amd. GO 7-10) (Amd. GO 8-12) The maximum width of any driveway at the curb line shall be no greater than 30 feet and symmetrically tapered to a driveway width at the sidewalk section or property line no greater than 25 feet. Driveway stalls may be allowed up to 10 feet in width and an additional two feet may be provided beyond either side of the garage door for two stall or larger attached garages. For attached single stall garages 10 feet or less in width, the driveway may be expanded up to 8 feet beyond the garage door opening, but shall not be located in front of the primary entrance to the residence and shall be consistent with this Section and Section 13-1709. The widened portion of the driveway must be tapered into the driveway at the property line over a distance of 5 feet or more. In no case shall the maximum driveway width be greater than 50 percent of the lot frontage. **Single and two-family homes that have an existing driveway are permitted to replace their driveway to the same width and length as it currently exists.**

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall not take effect until a public hearing is held thereon as provided by Section 13-204, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin this _____ day of _____, 2015.

APPROVED:

Mayor

ATTEST:

Clerk

Moved by Ald. Scannell, seconded by Ald. Wiezbiskie to suspend the rules for the purpose of advancing the ordinance to the third reading. Motion carried.

Moved by Ald. Moore, seconded by Ald. Scannell to advance the ordinance to the third reading. Motion carried.

GENERAL ORDINANCE NO. 15-15

AN ORDINANCE AMENDING SECTION 13-2011, TABLE 20-3, GREEN BAY MUNICIPAL CODE, TO PERMIT WALL SIGNAGE THAT DOES NOT HAVE STREET FRONTAGE (TA 15-04)

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 13-2011, Table 20-3, Green Bay Municipal Code, is amended as follows:

13-2011. Signs permitted in industrial districts. The following signs shall be permitted in the Light Industrial (LI), General Industrial (GI), and Business Park (BP) districts.

Table 20-3

	LI & GI	BP
Signage		
Types of signs allowed		
Wall signs	Yes	
Projecting signs	No	
Awning, canopy, and marquee signs	Yes	
Window signs	Yes	
Roof signs	No	
Monument sign	Yes	
Pole/pylon sign	Yes	
Signs attached to buildings		
Max. attached sign area (combination of all wall and awning signs; does not include window signs) ^b	400 sq. ft.	
Maximum number of attached signs ^c	1 wall and 1 awning sign per street frontage. In a multi-tenant building, 1 wall and 1 awning sign per business.	
Wall signs: maximum area per sign	200 sq. ft.	
Wall signs: maximum height	Sign support structure shall not extend more than 18 inches above roof/cornice.	
Window signs: maximum number, area	1 per window not exceeding 50% of window area	
Awning, canopy signs: maximum area	50% of area	
Lighting of signs	Yes	

Notes:

- ^a A business park is defined as a group of individual parcels comprising a general area bounded by natural features, roadways, municipal boundaries, common zoning lines, etc. that is a special or exclusive type of planned industrial and business area designed and equipped to accommodate a community of businesses providing necessary facilities and services in attractive surroundings among compatible neighbors which may be promoted by private developers, community organizations, or government organizations. A business park may provide a business park identity sign on private property at each major entrance to the park from a primary arterial, expressway, or freeway.
- ^b Sign's total maximum area may be increased when used on parcels of property with public street frontages over 200 ft. at the rate of 0.75 sq. ft. per linear foot of street frontage beyond 200 ft. This rate of increased sign area applies to total sign area allotment.

- ^c **For properties that are adjacent to a railroad right-of-way or public utility corridor, a wall sign may be permitted if the sign faces a public right-of-way.**

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall not take effect until a public hearing is held thereon as provided by Section 13-204, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin this _____ day of _____, 2015.

APPROVED:

Mayor

ATTEST:

Clerk

Moved by Ald. Scannell, seconded by Ald. Wiezbiskie to suspend the rules for the purpose of advancing the ordinance to the third reading. Motion carried.

Moved by Ald. Scannell, seconded by Ald. Wiezbiskie to advance the ordinance to the third reading. Motion carried.

GENERAL ORDINANCE NO. 16-15

AN ORDINANCE CREATING SECTION 27.310, GREEN BAY MUNICIPAL CODE, RELATING TO THE PROHIBITION OF DRONE USAGE AT SPECIAL EVENTS

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 27.310, Green Bay Municipal Code, is hereby created to read:

27.310 DRONE USE AT SPECIAL EVENTS.

(1) **SPECIAL EVENT DEFINED.** For purposes of this subsection, Special Event shall have the same meaning as defined under Green Bay Municipal Code 6.201(9).

(2) **PROHIBITED.** It shall be unlawful for any person or entity to fly or operate a drone as defined in Wis. Stat. 175.55(1)(a), below an altitude of 400 feet within the designated boundaries of a special event during the scheduled time of the event. This subsection shall not apply to authorized ~~law enforcement~~ **public safety** agencies or operators having obtained approval from the event organizer or from the Federal Aviation Administration.

SECTION 2. All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this _____ day of _____, 2015.

APPROVED:

Mayor

ATTEST:

Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Scannell to suspend the rules for the purpose of advancing the ordinance to the third reading. Motion carried.
Moved by Ald. Scannell, seconded by Ald. Sladek to advance the ordinance as previously amended to the third reading. Motion carried.

GENERAL ORDINANCE NO. 17-15

AN ORDINANCE REPEALING SECTION 23.36, GREEN BAY MUNICIPAL CODE, KEEPING OF REGISTER

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 23.36, Green Bay Municipal Code, is hereby repealed:

23.36 **KEEPING OF REGISTER**. Each rooming house or shelter facility shall provide a register and require all occupants to register their true names before being assigned a sleeping room. The register shall be kept intact for at least one (1) year. Unless otherwise precluded by state or federal law, the operator of a rooming house or shelter facility shall give the Police Department all information from the register as is necessary to:

- (1) Assist the police in its search for any wanted person at any time; or
- (2) Assist in missing person inquiries; or
- (3) Protect the police prior to police contact or involvement with an individual at the rooming house or shelter facility; or
- (4) Identify person in need of medical attention; or
- (5) Assist in the identification of any deceased person found within the rooming house or shelter facility; or
- (6) Deliver emergency messages.

Unless known personally by the operator or agent, the operator or agent shall require proof of identification, such as a driver's license, birth certificate, social security card, or other reasonable means of identification. After the name of a person occupying any sleeping room, the operator or an agent shall write the number of the room which such person is to occupy together with the date when such room is occupied, all of which shall be done before such person is permitted to occupy such room. No person shall write or cause to be written in any rooming house or shelter facility register any other or different name than the true name of such person.

SECTION 2. All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect on and after its passage and publication.

Dated at Green Bay, Wisconsin this _____ day of _____, 2015.

APPROVED:

Mayor

ATTEST:

Clerk

Moved by Ald. Scannell, seconded by Ald. Wiezbiskie to suspend the rules for the purpose of advancing the ordinance to the third reading. Motion carried.
Moved by Ald. Scannell, seconded by Ald. Wiezbiskie to advance the ordinance to the third reading. Motion carried.

ZONING ORDINANCE NO. 5-15

AN ORDINANCE REZONING 1579 AND 1583 EAST MASON STREET, 502 AND 508 BELLEVUE STREET, AND 1580 AND 1586 KIMBALL STREET FROM LOW DENSITY RESIDENTIAL (R1) DISTRICT TO GENERAL COMMERCIAL (C1) DISTRICT (ZP 15-08)

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 13.01, Green Bay Municipal Code, together with the zoning map referred to therein, is hereby amended by rezoning the following described property from Low Density Residential (R1) District to General Commercial (C1) District:

1579 E. Mason Street, Parcel No. 8-478: GUESNIERS 4TH ADD LOT 12 & W 5 FT OF LOT 13 EX ST IN 1038 R 244 BLK 1 ALSO VACATED ALLEY

1583 E. Mason Street, Parcel No. 8-479: GUESNIERS 4TH ADD E 45 FT OF LOT 13 EX ST IN 1038 R 248 BLK 1 ALSO VACATED ALLEY

502 Bellevue Street, Parcel No. 8-467: GUESNIERS 4TH ADDN N 1/2 OF LOTS 1 & 2 & N 1/2 OF E 1/2 OF LOT 3 BLK 1 EX ST IN 1692122

508 Bellevue Street, Parcel No. 8-468: GUESNIERS 4TH ADD S 1/2 OF LOTS 1 & 2 & S 1/2 OF E 1/2 OF LOT 3 BLK 1 ALSO VACATED ALLEY

1580 Kimball Street, Parcel No. 8-470: GUESNIERS 4TH ADD E 1/2 OF LOT 5 & W 1/2 OF LOT 4 BLK 1 ALSO VACATED ALLEY

1586 Kimball Street, Parcel No. 8-469: GUESNIERS 4TH ADD E 1/2 OF LOT 4 & W 1/2 OF LOT 3 BLK 1 ALSO VACATED ALLEY

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall not take effect until a public hearing is held thereon as provided by Section 13-204, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin, this _____ day of _____, 2015.

APPROVED:

Mayor

ATTEST:

Clerk

Moved by Ald. Scannell, seconded by Ald. Wiezbiskie to suspend the rules for the purpose of advancing the ordinance to the third reading. Motion carried.
Moved by Ald. Scannell, seconded by Ald. Wiezbiskie to advance the ordinance to the third reading. Motion carried.

ZONING ORDINANCE NO. 6-15

AN ORDINANCE CREATING A PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT FOR PROPERTIES LOCATED THE 1500 BLOCK OF EAST MASON STREET, THE 500 BLOCK OF BELLEVUE STREET, AND THE 1500 BLOCK OF KIMBALL STREET (ZP 15-08)

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 13-108, Green Bay Municipal Code, together with the zoning map referred to therein, is hereby amended by establishing a Planned Unit Development (PUD) District on the following described properties:

1579 E. Mason Street, Parcel No. 8-478: GUESNIERS 4TH ADD LOT 12 & W 5 FT OF LOT 13 EX ST IN 1038 R 244 BLK 1 ALSO VACATED ALLEY

1583 E. Mason Street, Parcel No. 8-479: GUESNIERS 4TH ADD E 45 FT OF LOT 13 EX ST IN 1038 R 248 BLK 1 ALSO VACATED ALLEY

1593 E. Mason Street, Parcel No. 8-480: GUESNIERS 4TH ADD LOTS 14-15 & 16 EX 896 R 530 BCR BLK 1 ALSO VACATED ALLEY

502 Bellevue Street, Parcel No. 8-467: GUESNIERS 4TH ADDN N 1/2 OF LOTS 1 & 2 & N 1/2 OF E 1/2 OF LOT 3 BLK 1 EX ST IN 1692122

508 Bellevue Street, Parcel No. 8-468: GUESNIERS 4TH ADD S 1/2 OF LOTS 1 & 2 & S 1/2 OF E 1/2 OF LOT 3 BLK 1 ALSO VACATED ALLEY

1580 Kimball Street, Parcel No. 8-470: GUESNIERS 4TH ADD E 1/2 OF LOT 5 & W 1/2 OF LOT 4 BLK 1 ALSO VACATED ALLEY

1586 Kimball Street, Parcel No. 8-469: GUESNIERS 4TH ADD E 1/2 OF LOT 4 & W 1/2 OF LOT 3 BLK 1 ALSO VACATED ALLEY

SECTION 2. Pursuant to Section 13-1900, et seq., Green Bay Municipal Code, as they apply, the following conditions are imposed:

- A. Purpose and Intent. The purpose and intent of the PUD is to permit the construction of a Grand Central Station convenience store/fueling area as well as two restaurants either side of the convenience store. Due to the proximity to residential properties, appropriate buffering is desired to

minimize new construction. The general appearance and design of the site shall comply with the attached Exhibits.

B. Permitted Uses. The land uses which may be established and/or maintained on the subject property are as follows:

1. Convenience store and fueling area.
2. Restaurant(s) with one drive-thru window located on the west side of the proposed building.
3. Other uses as permitted within the General Commercial (C1) District.

C. Dimensional and Area Requirements. Dimensional and area requirements for principal and accessory structures on the subject property shall be as required as follows:

1. Front yard setback: 6.5 feet
2. Corner side yard setback: 10 feet
3. Interior side yard: 0 feet. If adjacent to residential uses, the setback shall be compliant with Chapter 13-1820, Green Bay Municipal Code.
4. Rear yard setback: 15 feet and shall comply with the requirements found in Chapter 13-1820(c), Green Bay Municipal Code.
5. The height of the Grand Central structure shall not exceed 43 feet above grade. The fuel island canopy shall not exceed 15 feet in overall height.
6. Impervious coverage shall not exceed 85% of the site.
7. Setback areas shall exclude paving and buildings.

D. Architecture. All building elevations shall generally comply with Exhibit B.

E. Lighting. All lighting on the subject property shall be regulated as set forth in Section 13-500, Green Bay Municipal Code. All canopy lighting shall be recessed.

F. Signage. All signage for the current project shall be regulated as required in Chapter 13-2010, Table 20-2, Green Bay Municipal Code. The existing pylon sign may remain and shall comply with current regulations. One new monument sign may be permitted along the western side of the site; the sign shall not exceed 6 feet in overall height and may allow two tenant signs not to exceed 12 square feet per sign panel.

G. Site Plan Review & Standards.

1. A site plan shall be submitted and reviewed per Chapter 13-1800, Green Bay Municipal Code.
2. All service, loading and refuse areas shall be screened per Chapter 13-1813, Green Bay Municipal Code, but may not encroach closer than 15 feet to a public right-of-way and compliant with Exhibit C.

3. Any ground-mounted and/or roof-mounted mechanicals shall be screened compliant with Chapter 13-1815, Green Bay Municipal Code.

H. Parking.

1. All parking shall be regulated as required in Chapter 13-1700, Green Bay Municipal Code.
2. One, two-way drive may be permitted along East Mason Street and along Bellevue Street not to exceed 25 feet at the property line and 35 feet at the curb line. No access is permitted to Kimball Street.
3. Dedicated pedestrian access shall be provided from the East Mason Street and Bellevue Street sidewalks to the primary entrance to the building.

I. Landscaping/Transitional Yard.

1. A detailed landscape plan shall be submitted identifying the type and placement of all plant materials. Additional landscaping shall be placed between the Kimball Street and Bellevue Street right-of-ways and the proposed fence. Such landscaping shall include shrubs and plant material to soften the fence edge.
2. A minimum 4 foot high but, not to exceed 6 foot high impervious fence is permitted within the setback along Kimball Street, excluding the vision triangle. A 4 foot to 6 foot high impervious fence is required along Bellevue Street and shall taper to no higher than 3 feet at the entrance of the proposed drive.
3. All street terrace areas shall be vegetated and/or covered with a natural material. The terrace along the East Mason Street corridor may be permitted to add decorative concrete as compliant with the current terrace policy of the City of Green Bay.

SECTION 3. The provisions of this ordinance, including, without limitation, the granting of a conditional-use permit and all obligations, conditions, restrictions, and limitations related thereto shall run with and be jointly and severally binding upon the fee simple owner and the beneficial owner of all or any portion of the subject property. All obligations, requirements, and rights of the owner shall run with the land and shall automatically be assigned to be binding upon and inure to the benefit of its successors and assigns, including, but not limited to, any entity acquiring any financial interest in the subject property and/or any subsequent owner and/or beneficial owner of all or any portion of the subject property.

SECTION 4. Each exhibit which is attached to this ordinance is deemed to be and is expressly made a part of and incorporated into this ordinance to the same extent as if each such exhibit and the plans identified therein had been set forth in its entirety in the body of this ordinance.

SECTION 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6. In addition to all other remedies available to the City of Green Bay, the City may decline to issue any building or other permits otherwise required by any ordinance of this City while any violation of this ordinance remains uncured.

SECTION 7. If any provision in this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such a decision shall not affect the validity of any other provision of this ordinance. It is hereby declared to be the intention of the City of Green Bay that all provisions of this ordinance are separable.

SECTION 8. This ordinance shall not take effect until a public hearing is held thereon as provided by Section 13-204, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin, this _____ day of _____, 2015.

APPROVED:

Mayor

ATTEST:

Clerk

Moved by Ald. Scannell, seconded by Ald. Wiezbiskie to suspend the rules for the purpose of advancing the ordinance to the third reading. Motion carried.

Moved by Ald. Scannell, seconded by Ald. Wiezbiskie to advance the ordinance to the third reading. Motion carried.

ZONING ORDINANCE NO. 7-15

AN ORDINANCE REZONING 1015 LOMBARDI AVENUE FROM GENERAL INDUSTRIAL (GI) DISTRICT TO GENERAL COMMERCIAL (C1) DISTRICT (ZP 15-13)

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 13.01, Green Bay Municipal Code, together with the zoning map referred to therein, is hereby amended by rezoning the following described property from General Industrial (GI) District to General Commercial (C1) District:

Parcel No. 1-1841-C-1: LOT 1 OF 37 CSM 99 BNG PRT OF LOT 9
MORRIS & BROMLEYS SUBD OF S1/2 OF PC 13 WSFR

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall not take effect until a public hearing is held thereon as provided by Section 13-204, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin, this _____ day of _____, 2015.

APPROVED:

Mayor

ATTEST:

Clerk

Moved by Ald. Scannell, seconded by Ald. Wiezbiskie to suspend the rules for the purpose of advancing the ordinance to the third reading. Motion carried.

Moved by Ald. Scannell, seconded by Ald. Wiezbiskie to advance the ordinance to the third reading. Motion carried.

ORDINANCES - THIRD READING

GENERAL ORDINANCE NO. 13-15

AN ORDINANCE AMENDING SECTION 13-902, TABLE 9-1, GREEN BAY MUNICIPAL CODE, TO PERMIT AN INDOOR RECREATIONAL FACILITY

**WITHIN THE GENERAL INDUSTRIAL (GI) DISTRICT
(TA 15-03)**

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS
FOLLOWS:

SECTION 1. Section 13-902, Table 9-1, Green Bay Municipal Code, is amended
as follows:

Table 9-1. Principal Uses in the Industrial Districts

Use	LI	GI	BP	Dev. Std.
<i>Commercial Recreation and Entertainment</i>				
Adult entertainment	C	C	-	x
Health clubs, fitness centers	P	-	P	x
Indoor recreational facility	P	<u>P</u>		
Marina	C	C	-	
Outdoor commercial recreation area	-	-	C	x

Note: P = Permitted Use; C = Conditional Use

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are
hereby repealed.

SECTION 3. This ordinance shall not take effect until a public hearing is held
thereon as provided by Section 13-204, Green Bay Municipal Code, and the adoption
and publication of this ordinance.

Dated at Green Bay, Wisconsin this 21st day of July, 2015.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Steuer to adopt the ordinance.
Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore,
Scannell, Wery, Zima, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

ZONING ORDINANCE NO. 4-15

AN ORDINANCE REZONING PARCEL NUMBER 21-486, LOCATED EAST OF 1902 NORTH IRWIN AVENUE, FROM GENERAL INDUSTRIAL (GI) DISTRICT TO GENERAL COMMERCIAL (C1) DISTRICT (ZP 15-12A)

THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 13.01, Green Bay Municipal Code, together with the zoning map referred to therein, is hereby amended by rezoning the following described property from General Industrial (GI) District to General Commercial (C1) District:

Parcel No. 21-486: That part of Lots 19 – 23, Block 97, Businessmens Assoc. Add. lying southerly of Hwy. I-43 right-of-way and northerly of Radisson Street right-of-way

SECTION 2. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall not take effect until a public hearing is held thereon as provided by Section 13-204, Green Bay Municipal Code, and the adoption and publication of this ordinance.

Dated at Green Bay, Wisconsin, this 21st day of July, 2015.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Steuer to adopt the ordinance.
Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

MISCELLANEOUS ORDINANCE NO. 2-15

**AN ORDINANCE
ADOPTING AN AMENDMENT TO THE SMART
GROWTH 2022 COMPREHENSIVE PLAN OF THE
CITY OF GREEN BAY PERTAINING TO PROPERTY GENERALLY
LOCATED IN THE 500 BLOCK OF NORTH HENRY STREET, ACME STREET AND
LAWRENCE STREET, SOUTH OF UNIVERSITY AVENUE, FROM LOW DENSITY
HOUSING, MEDIUM/HIGH DENSITY HOUSING, COMMERCIAL AND LIGHT
INDUSTRY TO GENERAL INDUSTRY (Figure 22-5)
(CPA 15-01)**

WHEREAS, pursuant to §§62.23(2) and (3), Wis. Stats., the City of Green Bay is authorized to prepare, adopt, and amend a comprehensive plan as defined in §66.1001(4)(a), Wis. Stats.; and

WHEREAS, the Common Council of the City of Green Bay has adopted written procedures (known as the Public Participation Plan for Periodic Comprehensive Plan Amendments) designed to foster public participation in every stage of the preparation of periodic comprehensive plan amendments required by §66.1001(4)(a), Wis. Stats.; and

WHEREAS, the Plan Commission of the City of Green Bay, by a majority vote of the entire Commission recorded in its official minutes, has adopted a resolution recommending the Common Council adopt Comprehensive Plan Amendment CPA 15-01; and

WHEREAS, the City of Green Bay has held at least one public hearing on this ordinance in compliance with the requirements of §66.1001(4)(d), Wis. Stats. It is the Common Council's belief that this comprehensive plan amendment is necessary and consistent with the overall goals, policies, and other related elements of the plan.

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF GREEN BAY DOES ORDAIN AS FOLLOWS:

SECTION 1. The Common Council has adopted the Smart Growth 2022 Comprehensive Plan for the purpose of guiding future land-use decision making, but recognizes that from time to time amendments may be necessary to reflect changes in the land use and planning needs of the community.

SECTION 2. The Common Council does hereby enact this ordinance to formally adopt Comprehensive Plan Amendment CPA 15-01 pursuant to §66.1001(4)(c), Wis. Stats. A copy of the comprehensive plan amendment is attached to this ordinance.

SECTION 3. This ordinance shall take effect upon passage by a majority of the members-elect of the Common Council and publication as required by law.

Dated at Green Bay, Wisconsin, this 21st day of July, 2015.

APPROVED:

James J. Schmitt
Mayor

ATTEST:

Kris A. Teske
Clerk

Moved by Ald. Wiezbiskie, seconded by Ald. Steuer to adopt the ordinance.
Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

COMMITTEE OF THE WHOLE

To review and discuss, with possible action, the negotiations regarding the Oneida Tribe service agreement.

Moved by Ald. Scannell, seconded by Ald. Steuer to convene in closed session.
Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

Ald. Steuer read the following:

The Council may convene in closed session pursuant to Section 19.85(1)(e), Wis. Stats., for purposes of deliberating or negotiating the sale of public properties, investing of public funds or conducting other specified public business as necessary for competitive or bargaining reasons. The Council may thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to report the results of the closed session and consider the balance of the agenda.

Moved by Ald. Nicholson, seconded by Ald. Thomas DeWane to return to the regular order of business. Motion carried.

Moved by Ald. Steuer, seconded by Ald. Scannell to proceed as directed in closed session. Motion carried.

Moved by Ald. Zima, seconded by Ald. Wery to reconsider Zoning Ordinance 5-15. Motion carried.

Moved by Ald. Zima, seconded by Ald. Scannell to advance the ordinance to the second reading. Motion carried.

Moved by Ald. Nicholson, seconded by Ald. Tim DeWane to suspend the rules to allow interested parties to speak.

Roll call: Ayes: Wiezbiskie, Thomas DeWane, Nicholson, Tim DeWane, Nennig, Steuer, Danzinger, Sladek. Noes: Moore, Scannell, Wery, Zima. Motion carried.

The following people spoke against how the project was handled:

Jim Krumpas, 1575 E. Mason Street

Arthur Birkett, 459 Bellevue Street

Max Kehl, 1581 Kimball Street

Moved by Ald. Moore, seconded by Ald. Scannell to return to the regular order of business. Motion carried.

The vote to advance to the second reading was reconsidered due to concerns that the project would be delayed.

A vote was then taken on the motion to advance the ordinance to the second reading.

Roll call: Ayes: Tim DeWane, Zima, Sladek. Noes: Wiezbiskie, Nicholson, Nennig, Scannell, Wery, Danzinger. Abstaining: Thomas DeWane, Moore, Steuer. Motion failed.

Moved by Ald. Nennig, seconded by Ald. Scannell to advance the ordinance to the third reading.

Roll call: Ayes: Tim DeWane, Nennig, Scannell, Wery, Danzinger, Sladek. Noes: Nicholson, Zima. Abstaining: Wiezbiskie, Thomas DeWane, Moore, Steuer. Motion carried.

Moved by Ald. Scannell, seconded by Ald. Nicholson to adjourn at 11:04 P.M. Motion carried.

Kris A. Teske
Green Bay City Clerk